

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE:

ANDREW WELDON BECK

ELIZABETH SINK BECK

Debtor(s)

CASE NO. 10-80449

Chapter 7

ORDER GRANTING RELIEF FROM AUTOMATIC STAY

THIS matter came before the undersigned Bankruptcy Judge upon the motion of Bank of the West ("Creditor") for relief from the automatic stay to allow Creditor to exercise its state law rights to foreclose on the Debtor(s)'s property described as follows: 2005 Seaswirl 2301DC watercraft, ID#:GSSZA017L405, 2005 225HP Yamaha Motor, ID#: 69JX-1019863; 2005 Road King Trailer, VIN: 5KZBB22215A007800 (the "Property"), and more fully described in the Motion. The Court having considered the Motion and the record in this case finds and concludes as follows:

1. The Creditor filed the Motion on April 8, 2010.
2. The Court issued and mailed a Notice to interested parties on April 9, 2010 requiring that any objections to the Motion be filed on or before April 21, 2010 and that if no objections were filed within that time period, then the Court would consider the Motion without a hearing.
3. No objections to the Motion were filed by any interested party, and the time within which objections must be filed as set forth in the Notice has expired.
4. Cause exists for modification of the automatic stay afforded by Section 362 of the Bankruptcy Code.

NOW THEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED that the Motion is granted and the automatic stay afforded by Section 362 is modified to allow Creditor to exercise its state law rights with respect to the Property. Any communication or notices required by state law sent by Creditor in connection with proceedings against the Property, may be sent directly to the Debtor.

IT IS FURTHER ORDERED that Rule 4001(a)(3) of the Federal rules of Bankruptcy Procedure is waived and that the Creditor may immediately enforce and implement this Order.

IT IS FURTHER ORDERED that if a sale of the Property is held and excess proceeds are derived, then such proceeds shall be deposited with the Chapter 7 Trustee in this case.

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